



## **Town of Moultonborough Planning Board**

### **Notice of Decision** **Site Plan Review Permit** **Maine PCS, Tax Map 203, Lot 7**

**April 14, 2010**

**Applicant: Maine PCS**  
**241 Boston Post Road West**  
**Marlborough, MA 01752**  
**Location: 781 Moultonboro Neck Road/(Tax Map 203, Lot 7)**

On March 10, 2010 the Planning Board of the Town of Moultonborough opened a public hearing on the application of Maine PCS (hereinafter referred to as the “Applicant” and/or “Owner”) to allow construction of collocation of three (3) antennae and supporting infrastructure on the existing 141-foot tall communications tower at 781 Moultonboro Neck Road in the Residential Agricultural Zoning District.

The public hearing was continued to April 14, 2010. The public hearing was closed on April 14, 2010. At the regularly scheduled Planning Board meeting on April 14, 2010, the Board voted by a vote of seven (7) in favor (Coppinger, King, Charest, Maroun, Nelson, Jensen, Fairchild), none (0) opposed, to **GRANT** their request for a Site Plan Review Permit subject to the following conditions:

#### **1. Conformance with Plan**

Work shall conform with the plans entitled, “Maine PCS Site Number 274-105, Moultonborough” sheets T-1, C-1, A-1, A-2, S-1 and E-1, prepared by Maxton Technology and Bay State Design, Inc., 241 Boston Post Road West, Marlborough, MA 01752, dated December 22, 2009 and revised through March 16, 2010.

#### **2. Amendments**

Any modification to the original approved plans created by Maxton Technology and Bay State Design, Inc., titled “Maine PCS Site Number 274-105, Moultonborough” and dated March 16, 2010, and any modification of any condition of this approval, together with previous approvals unless otherwise specified in this decision, must receive the prior approval of the Planning Board, unless deemed insignificant by the Town Planner. In such case the applicant shall submit to the Planner the requested changes who shall seek Board approval of the changes. The applicant will not proceed unless the Planner first provides written approval of the requested insignificant changes.

#### **3. Revised Plan to Be Submitted**

The applicant shall submit a revised plan indicating a location for three (3) parking spaces on the site, in accordance with the Town of Moultonborough Zoning Ordinance, Article VI(F)(6)(a), prior to endorsement of the final plan.

**4. Endorsement of Plan**

Following the vote of approval by the Planning Board, and the statutory thirty (30) day appeal period in accordance with RSA 677:15, the Planning Board Chairman shall sign the approved, revised site plan, subject to conditions of this approval, which shall be recorded at the Carroll County Registry of Deeds. The conditions of approval of this site plan review shall be placed on the final plans, or this decision shall be recorded with said plans, at the Carroll County Registry of Deeds, in accordance with RSA 676:3 (III), within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing.

**5. Site Plan Regulations**

The Site shall be constructed in accordance with the requirements of the Site Plan Regulations and any other applicable rules and regulations as affected by this decision.

**6. Transfer of Ownership**

Within five (5) days of transfer of ownership of the site, the Applicant, their successors or assigns, shall notify the Board in writing of the new owner's name and address. The terms, conditions, restrictions and/or requirements of this decision shall be binding on the new owner and its successors and/or assigns.

**7. Progress Reports**

Upon the request of the Planning Board, the owner shall submit reports of the progress of the site's completion within five (5) business days.

**8. Construction Practices**

All construction shall be carried out in accordance with Town of Moultonborough ordinances and the Site Plan Regulations, as well as all other pertinent rules and regulations. Additionally, all staging of materials and equipment shall be on-site, and no equipment or materials not directly used in the construction of the site shall be located on site.

**9. Construction Requirements**

- a. All construction will occur on site; no construction will occur or be staged within Town rights of way.
- b. Any roadways, driveways, or sidewalks damaged during construction shall be restored to their original condition by the Owner prior to the issuance of a Certificate of Occupancy for the site.
- c. All construction shall occur between the hours of 6:00 am and 9:00 pm as required by the Town of Moultonborough Unnecessary Noise Ordinance (Section 10.2(6)).
- d. The applicant shall clean construction vehicles before they exit the construction site, and clean and sweep all streets affected by their construction truck traffic as necessary.

**10. Clerk of the Works**

The services of a consultant to serve as a Clerk of the Works shall be provided by the Town, at the applicant's, or his successor's or assign's, expense, if deemed necessary by the Town Planner.

**11. Fire Department**

All work shall comply with the requirements of the Moultonborough Fire Department as affected by this decision.

**12. Office of the Building Inspector**

All work shall comply with the requirements of the office of the Moultonborough Building Inspector as affected by this decision.

**13. Utilities**

Any utility installation shall be reviewed and approved by the Code Enforcement Officer prior to the issuance of a Building Permit.

**14. Lighting**

All lighting shall be in conformance with the Town of Moultonborough Zoning Ordinance and Site Plan Regulations.

**15. Signage**

Any proposed signage shall be in compliance with the Town of Moultonborough Zoning Ordinance, Article 5, and shall be reviewed and approved by the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy for the site.

**16. As-built Plans**

As-built plans, stamped by a Registered Professional Engineer, shall be submitted to the Land Use Department and the Road Agent prior to the issuance of a Certificate of Occupancy for the site.

**17. Testimony and Representation at Public Meetings**

All testimony and representations made by the applicant or their representatives during the Public Hearing(s) and Public Meeting(s) shall be incorporated into this approval and part of this Notice of Decision.

**18. Right to Amend Decision**

The Planning Board reserves the right to modify or amend this approval on application of the owner, lessee, or mortgagee of the premises, or upon its own motion, as permitted by the Town of Moultonborough Site Plan Regulations, Section 6, and RSA 676:4.

**19. Violations**

Violations of any condition of this decision shall result in placement of a Stop-Work Order or a Cease and Desist Order, as appropriate, on the property by the Building Inspector and/or the Planning Board, unless the violation of such condition is cured within fourteen (14) days, or waived by a majority vote of the Planning Board. Outstanding violations of the approved plans or conditions of approval may result in the revocation of this approval by the Planning Board.

This decision shall not take effect until thirty (30) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, it is recorded in the Carroll County Registry of Deeds, in accordance with RSA 677:15.

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Joanne Coppinger  
Chairman, Planning Board

Date \_\_\_\_\_